

REMARKS

Claims 11-25 are pending. By this Amendment, claims 11 and 14 are amended, and claims 21-25 are added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicant's representative appreciates the courtesies extended by Examiner Paschall during a telephonic interview conducted on November 18, 2009. The substance of the telephonic interview is discussed below.

Claims 11, 15 and 16 were rejected under 35 U.S.C. §102(c) over Sauter et al. (U.S. Patent No. 6,967,314). In addition, claims 11, 15 and 16 were rejected under 35 U.S.C. §103(a) over Sauter et al., in view of either Barnes et al. (U.S. Patent No. 6,255,630) or Ohouchi (U.S. Patent No. 4,650,970). Further, claims 12-14 and 17-20 were rejected under 35 U.S.C. §103(a) over Sauter et al. in view of Stockley (U.S. Patent Publication No. 2005/0000958). These rejections are respectfully traversed.

Claim 11 is directed to a cooking area comprising at least one heating element, a power controller for setting a heating output of the heating element which operates according to the set heating output in at least one of a first operating mode and a second operating mode, and an indicating device which indicates the set heating output in the first operating mode with symbols from a first set of symbols, wherein the indicating device indicates the set heating output in the second operating mode with symbols from a second set of symbols of a different type of symbolism compared to the first set of symbols. The claimed arrangement eliminates any confusion as to whether the heating element is operating in the first mode or the second mode. See page 2, lines 23-27.

The crux of the issue is whether any of the applied prior art teaches a heating element which operates in first and second modes, and an indicating device which indicates the power output in the first and second modes using first and second sets of symbols of different types of symbolism, e.g., the first set of symbols includes the numbers 0-9 and the second set of symbols does not include numbers (claim 13), such as one or more of the three horizontal display elements on a segment display (claim 14).

Although the rejection under 35 U.S.C. §102(e) based on Sauter et al. was repeated from the previous Office Action, the Examiner does not directly address previous argumentation. In particular, page 5 of the Office Action states that Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new grounds of rejection.

In any event, during the interview, the Examiner pointed to the new ground of rejection which was applied to claims 11, 15 and 16 based on Sauter et al. in view of Barnes et al. or Ohouchi. Within the context of that rejection, the Examiner takes the position that "For instance a number 4 on a display is a different symbol from a number 7 on the display." Applicant respectfully traverses this position given that the numbers 4 and 7 belong to the same set of symbols, and they are not of different symbolism, as claimed. Examiner Paschall thankfully seemed to acknowledge that it was a stretch to interpret the numbers 4 and 7 as being of different symbolism. To even more specifically emphasize this point, claim 11 has been amended to specify that the second set of symbols is of a different type of symbolism compared to the first set of symbols. Examiner Paschall agreed that this helps to even further distinguish over the applied prior art.

In Sauter et al., the operator is unable to distinguish between a faulty operation, e.g., when power is off during the first mode, and a non-faulty operation, e.g., when the power is off during the clocked operating mode in which the heating element is turned on and off during normal operation.

Ohouchi and Barnes et al. show various types of displays but neither teach the use of two different types of symbols for displaying the same parameter, i.e., heating output. For example, as discussed during the interview, Ohouchi teaches a bar graph 12 to display oven temperature, whereas display 11 is for displaying time. As such, Ohouchi does not teach the use of two sets of symbols used to indicate heating output in first and second modes, as set forth in claim 11. Further, Barnes et al. shows multiple displays for displaying power level, mode and temperature. See Figure 2.

In addition, Stockley does not make up for the deficiencies noted above since Stockley teaches only numerics to display the heat level of the cooking appliance.

In addition, the applied prior art does not teach that the indicating device consist of a seven segment display per claim 12. The Examiner has not addressed the fact that Stockley discloses a plurality of seven segment displays. In addition, the newly cited prior art also includes a plurality of seven segment displays.

Finally, the Examiner is requested to clarify the reason that claim 13 remains rejected. In particular, claim 13 specifies that the first set of symbols comprises a series of numbers from 0 to 9 and the second set of symbols does not include numbers. The Office Action states “As per claim [13] use of numerical symbols is set forth in Sauter et al and if modified as set forth above it is inherent that the use of numerical display numerals is obvious for the artisan.” Applicant respectfully traverses the Examiner’s assertion to the extent it is understood, and in any event none of the prior art teaches that the first set of symbols (used for indicating the set heating output in the first operating mode) comprises a series of numbers from 0 to 9 and the second set of symbols (used for indicating the set heating output in the second operating mode) does not include numbers. Moreover, such is not inherent from the teachings of the applied prior art.

Reconsideration and withdrawal of the rejection are respectfully requested.

New claims 21-25 are provided for the Examiner’s consideration.

CONCLUSION

Applicant respectfully requests entry of the present Amendment. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is enclosed.

Respectfully submitted,

/James E. Howard/

James E. Howard
Registration No. 39,715
November 20, 2009

BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-639-7644
Fax:
714-845-2807
james.howard@bshg.com